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GOVERNOR

STATE OF MICHIGAN  
NATURAL RESOURCES COMMISSION  
LANSING



April 12, 2004  
RESUBMITTED: May 10, 2004

Memorandum to the Natural Resources Commission:

SUBJECT: Trapping Regulations

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, authorizes the Director and the Commission to issue orders to manage wild animals in this state.

Discussion and Background:

This order clarifies that snares used during the winter fox-coyote snaring season must be equipped with a swivel, a stop and relaxing lock, and a breakaway device. Requiring both a breakaway and a stop is intended to reduce the likelihood of capturing deer and wolves.

Snares may not be attached to a fence or set in a manner that would cause fence entanglement. This is to reduce potential entanglement situations and lethality of snare use. Snares are intended to be used as non-lethal restraining devices. When set along a fence, a snare can cause potentially lethal situations for non-target species such as domestic dogs, deer, and wolves.

This order also reiterates those firearms that may be used for nighttime raccoon and predator hunting. This clarification will ensure that firearms allowed for nighttime hunting continue to be rimfire firearms .22 caliber or smaller and shotguns loaded with other than slug, buckshot or cut shell loads.

This order will add woodchuck and red squirrel to the current animals that may be used for bait during the trapping season. These species are favored bait items for some furbearer species. Both animals are common, and this change has been suggested by furtaker organizations.

This order clarifies the wording concerning opening dates for muskrat, mink, and raccoon trapping on Nayanquing Point and Fish Point Wildlife Areas and on Shiawassee River and Crow Island State Game Areas. The change standardizes the opening date of trapping season for these areas as the day after the waterfowl season closes.

This order addresses several issues concerning bobcat harvest. Changes would include:

- Establishment of five bobcat management units (Unit A, Upper Peninsula, excluding Drummond Island; Unit B, Drummond Island; Unit C, Alcona, Alpena, Antrim, Charlevoix, Cheboygan, Emmet, Montmorency, Oscoda, Otsego, and Presque Isle counties; Unit D, Clare, Crawford, Gladwin, Iosco, Kalkaska, Missaukee, Ogemaw, Osceola, Roscommon, and Wexford counties and Arenac county west of highway I-75 and north of highway M-61; Unit E, that portion of zone 2 not defined in bobcat management units C and D and all of zone 3).
- A consistent opening date of January 1 for both Bobcat Management Unit C and Bobcat Management Unit D. The consistent opening date will provide for better enforcement and alleviate potential cross-boundary issues for dog hunters.
- A requirement for trappers and hunters to obtain a free bobcat kill tag or tags in order to harvest bobcat in areas open to bobcat hunting or trapping (Zone 1, portions of Zone 2, and Drummond Island). The kill tag must be affixed to the animal in the field. This will result in better enforcement and will reduce false registration of bobcat between the various areas open to bobcat harvest. This tag would not take the place of sealing requirements, but would be in addition to those requirements.
- A December trapping season on private lands only from December 10-December 20 in Bobcat Management Unit C and D, a January 1 to March 1 hunting season in Bobcat Management Unit C, and a January 1 to February 1 hunting season in Bobcat Management Unit D.
- A change in bag limit to 2 bobcat in Unit A, and a statewide limit of two bobcat per person.

To correct an oversight in the marten permit regulations, the permits would be available through the entire 16-day trapping season.

The Michigan Animal Damage Control Association (MADCA) has requested that licensed nuisance animal control operators be allowed to use colony traps and snares while conducting wildlife control measures on private lands. Currently, licensed furtakers may use colony traps of a limited size to take muskrats. They may also use properly equipped snares on private property to take fox and coyotes. This order proposes to authorize animal control operators to use colony traps in a similar manner as licensed furtakers. This order also proposes that snares be allowed year around within the curtilage of the complainant, year around in underwater sets, and year

around on the premises of the complainant in the Lower Peninsula for the taking of fox and coyote if conducted in compliance with current fox and coyote winter snare restrictions. This order would also allow nuisance animal control businesses to take mink and badger while conducting wildlife control work.

Recommendation:

This order was submitted for information only at the May 2004 meeting of the Natural Resources Commission. This item appeared in the May 24, 2004, Calendar and is eligible for approval on June 4, 2004. We are now recommending that it be acted upon at this meeting.

William E. Moritz, Acting Chief  
Wildlife Division

Alan Marble, Acting Chief  
Law Enforcement Division

George E. Burgoyne, Jr.  
Resource Management Deputy

I have analyzed and discussed these recommendations with staff and concur as to matters over which the Natural Resources Commission has authority.

Rebecca A. Humphries  
Director

# **WILDLIFE CONSERVATION ORDER**

## **Amendment No. 11 of 2004**

Under the authority of sections 40107 and 40113a, Act No. 451 of the Public Acts of 1994, as amended, being sections 324.40107 and 324.40113a of the Michigan Compiled Laws, the Natural Resources Commission and the Director of the Department of Natural Resources ordered that effective June 5, 2004, the following sections of the Wildlife Conservation Order shall read as follows:

### **2.5 Hunting hours, exceptions; prohibited activities.**

Sec. 2.5. (1) Except for the trapping of animals and as otherwise specified in this section, the hunting hours shall substantially conform to one-half hour before sunrise to one-half hour after sunset and shall be those starting times and ending times published in the Michigan hunting and trapping guide or in the respective state hunting guide for that animal.

(2) In addition to the daylight hunting hours specified in subsection (1) and during those dates specified for the use of artificial lights in sections 2.4 and 3.605, a person traveling afoot at night and in possession of only a bow and arrow, a rimfire firearm .22 caliber or smaller or shotgun with loads other than buckshot, slug or cut shell may take within their specified open seasons raccoon, opossum, and fox with the aid of dogs; and fox and coyote, during the season open to the taking of fox, with the aid of a game or predator call. A person hunting these species during the nighttime hunting hours shall not possess a loaded firearm or bow with a nocked arrow except when 1 or more of the following conditions apply:

(a) The person is following dogs and is at the point of kill for taking a treed raccoon during the open season for taking raccoon by hunting.

(b) The person is following dogs and is at the point of kill for taking opossum during the open season for taking opossum by hunting.

(c) The person is taking coyote or fox with the aid of a game or predator call during the open season for taking fox by hunting.

(3) Except for woodcock and crow, the hunting and hawking hours for all waterfowl and migratory birds shall be as listed in the state waterfowl hunting guide. The hunting hours for woodcock shall substantially conform to sunrise to sunset and shall be as published in the Michigan hunting and trapping guide. The hunting hours for crow shall be as specified in subsection (1).

(4) The hunting hours for wild turkey during the spring season shall substantially conform to one-half hour before sunrise to one-half hour before sunset, and shall be those starting times and ending times published in the state hunting guide for wild turkey.

(5) The hunting hours for elk shall be 7 a.m. to 8 p.m. in August and September. The hunting hours for elk shall be 8 a.m. to 5 p.m. in December and the following January.

(6) Except during the hunting hours specified in this section and as otherwise provided by subsection (2), a person shall not possess afield a firearm unless it is unloaded in the barrel, or a bow and arrow unless all arrows are placed in a quiver. A person may, to comply with section 4.1(2), kill a down and mortally wounded deer, bear, or elk using an otherwise legal means and may possess a loaded firearm or bow with nocked arrow only at the time and at the point of kill. Notwithstanding any other provision of this subsection, a person hunting under the authority of a wild turkey license during the spring wild turkey season may load and carry a loaded firearm afield while going to their hunting stand up to 1 hour prior to the spring wild turkey hunting hours.

### **3.600 Fur-bearing animals; use of firearms; traps and catching devices; use of bait; unlawful acts.**

Sec. 3.600. It shall be unlawful for any person:

(1) To use a firearm to take marten, muskrat, beaver, otter, mink, fisher, or badger, except as permitted by authority of a nuisance control permit issued by the department.

(2) Except as provided by subsection (3), to use or have in possession in areas frequented by animals, a catching device of any kind for the taking of animals unless the name and address in legible English or the complete Michigan driver license number of the user or person possessing the device is permanently etched in the catching device, or there shall be securely fastened to each catching device a metallic plate or tag bearing the name and address in legible English or the complete Michigan driver license number of the user or person possessing the catching device.

(3) To use or have in possession 1 or more snares securely attached to a pole unless the uppermost end of the pole or uppermost snare attached to the pole has a metallic plate or tag securely fastened which bears the name and address in legible English or the complete Michigan driver license number of the user or person possessing the catching device.

(4) To use a multiple catch or colony trap except for the taking of muskrat and provided that the trap is completely submerged below the water. Colony traps must be constructed of steel and shall be no larger than 6 inches in height, 6 inches in width, and 24 inches in depth.

(5) To stake, put out, or set a catching device of any kind for the taking of a fur-bearing animal at any time preceding the day on which the open season for the taking of such fur-bearing animal begins.

(6) To use a foothold trap with a jaw spread exceeding a number 2 foothold trap for the taking of mink or muskrat except as may be provided by this order for the incidental take of muskrat during the beaver and otter season. It shall also be unlawful to use any kind of a trap other than a foothold or body gripping or conibear type trap to take fur-bearing animals except as permitted under the provisions of subsection (4).

(7) To use any portion of any animal or bird protected by the laws of this state as bait for the purpose of trapping any animal in this state. This subsection shall not be construed to prohibit a person from using the carcasses of fur-bearing animals, woodchuck, or red squirrel, lawfully taken, as bait.

(8) A trap shall not be set on a beaver dam or lodge unless the trap is totally submerged below the water.

(9) To set a body gripping or conibear type trap larger than 6 inches in diameter on dry land or over frozen submerged bottomlands on publicly owned lands or commercial forest lands as defined by section 51101, Part 511, Commercial Forests, of the Natural Resources and Environmental Protection Act, Act No. 451 of the Public Acts of 1994, being section 324.51101 of the Michigan Compiled Laws, unless the trap is 4 feet or more above dry ground or the frozen surface of the ice, as applicable, or the trap is placed in a box or similar container in such a manner that the trap is not accessible to dogs.

(10) To set a trap within 50 feet of any water in zone 1 before October 25, or within 50 feet of any water in zone 2 before November 1, or within 50 feet of any water in zone 3 before November 10, except for the following catching devices:

(a) A duffer-type, egg-type, or similarly designed leghold trap which by construction will selectively capture raccoon.

(b) A body gripping or conibear trap placed 4 feet or more above the ground.

(11) To set a catching device designed to hold an animal alive unless any catch is released or removed upon checking the catching device. Catching devices designed to hold an animal alive shall be checked at least once within each 48-hour period except in zone 1 where catching devices designed to hold an animal alive shall be checked at least once within each 72-hour period.

### **3.606 Muskrat, mink, and raccoon trapping, open seasons; closed areas.**

Sec. 3.606. (1) Except as otherwise provided in this section, the open season for taking muskrat and mink by trapping shall be October 25 to January 31 in zone 1, November 1 to January 31 in zone 2, and November 10 to January 31 in zone 3. The trapping season for raccoon shall be October 15 to January 31 in zones 1 and 2, and November 1 to January 31 in zone 3.

(2) Except as provided in subsection (3), the open seasons for taking muskrat, mink and raccoon by trapping on managed wetlands shall be as follows:

Area	Season
Nayanquing point wildlife area	Day after waterfowl season closes to January 31
Crow Island state game area	Day after waterfowl season closes to January 31
Shiawassee river state game area	Day after waterfowl season closes to March 31 except A units shall have the same season dates as provided in subsection (1) for zone 3
Fish point wildlife area	Day after waterfowl season closes to January 31
Grand Haven state game area	November 10 to January 31
Rose lake wildlife research area	November 10 to January 31
Allegan state game area	Day after Allegan goose management area goose season closes to January 31
St. John's marsh wildlife area	Day after waterfowl season closes to January 31
Pte. Mouillee state game area	Day after waterfowl season closes to January 31
St. Clair flats wildlife area	Day after waterfowl season closes to January 31 and March 15 to April 15
Maple river state game area	November 10 to January 31

(3) Managed wetlands or portions of managed wetlands shall be closed, as posted.

### **3.608 Bobcat open seasons, season limit, closed areas, restrictions; kill tags and tagging requirements; registration requirements; unlawful acts.**

Sec. 3.608. (1) The open season for taking bobcat by trapping shall be October 25 to March 1 in bobcat management units A and B. The open season for taking bobcat by hunting in bobcat management units A and B shall be from December 1 to March 1.

(2) A person shall not take a bobcat by means of hunting or trapping in that area of zone 2 not included in bobcat management units C and D. The hunting season in bobcat management unit C shall be from January 1 to March 1. The hunting season in bobcat management unit D shall be from January 1 to February 1. The trapping season in bobcat management units C and D shall be from December 10 to December 20, on private lands only.

(3) A person shall not take a bobcat in zone 3.

(4) The season limit shall be 2 bobcat per person except no person shall take more than 1 bobcat from bobcat management unit B, and no more than 1 bobcat in bobcat management units C and D combined.

(5) Through the last day of the open bobcat season, a person issued a fur harvester's license may obtain a free bobcat kill tag at any department office that sells hunting licenses. A person who intends to hunt or trap bobcat shall request and be issued up to 2 free bobcat kill tags. A person shall not sell, loan, or permit in any manner another person to use the person's bobcat kill tag or use or attempt to use another person's bobcat kill tag. A person who kills a bobcat shall immediately validate the kill tag by notching out the appropriate information on the tag and attach the kill tag to the hide of the bobcat from the upper jaw to the eye socket or through the lower jaw of the bobcat in a secure and permanent manner. A person shall not tag a bobcat with a kill tag that is not valid for the unit in which the bobcat is taken. This kill tag shall remain attached to the bobcat until the animal is registered and sealed by the department. A person shall not possess a bobcat or bobcat hide that is not tagged with a validated kill tag unless a department seal is attached as provided by subsection (6).

(6) A person that kills a bobcat shall present the pelt and skull or pelt and an undamaged canine tooth of the bobcat to a designated department employee to be registered and sealed no later than 3 business days following March 1. The pelt shall be presented for sealing in person by the fur harvester that killed the animal and shall not be presented for sealing or registration by another person. The person presenting the bobcat pelt shall display their fur harvester license, including identification used to acquire the license, and shall provide harvest information as requested by the department employee. The department employee shall retain the skull or undamaged canine tooth and attach an official seal to the pelt of each bobcat presented for examination and shall lock the seal upon the hide in such a manner that it cannot be removed without cutting or ripping the bobcat pelt or damaging the seal. Once an official seal is attached by the department, it shall not be removed from the bobcat pelt until the bobcat pelt is processed or tanned. Subsequent to 3 business days following March 1, it shall be unlawful to possess a bobcat pelt without an official department seal attached unless the pelt has been processed or tanned or the bobcat season is open.

### **3.609 Fox hunting and trapping and coyote trapping, seasons; use of snares, conditions ; prohibited acts.**

Sec. 3.609. (1) The open seasons for taking fox by trapping or hunting and coyote by trapping shall be October 15 to March 1.

(2) Notwithstanding other provisions of this order, a person may use a snare from January 1 to March 1 to take fox and coyote if, in addition to the other requirements of section 3.600, all of the following conditions are met:

(a) Snares shall not be placed on publicly owned land or commercial forest lands as defined by section 51101, Part 511, Commercial Forests, of the Natural Resources and Environmental Protection Act, Act No. 451 of the Public Acts of 1994, being Section 324.51101 of the Michigan Compiled Laws.

(b) Snares shall be made of 1/16 inch or larger cable.

(c) The snare loop shall not exceed 15 inches in diameter.

(d) The top of the snare loop shall not be set more than 24 inches above the ground, or when the ground is snow covered, shall not be set more than 24 inches above the compacted snow in the person's footprint which has been placed beneath the snare with the full body weight of the person.

(e) All snares shall have a relaxing lock and shall have a stop to prevent the loop of a snare from closing to a diameter less than 2½ inches.

(f) All snares shall be equipped with a break-away lock system with a breaking point not greater than 350 pounds.

(g) Snares shall not have any type of drag attached and shall be affixed to a stake or other object of sufficient strength to hold a fox or coyote at the point of capture. A snare shall not be attached to a fence or set in a manner that would allow an animal captured in the snare to become entangled with a fence.

(h) Snares shall be equipped with an anchor swivel.

(i) Snares shall not utilize any type of spring pole, counterbalanced weight, spring, or other device to assist in closing the snare.

(j) Except as provided in section 3.607 for the taking of beaver, section 3.610 for the taking of nuisance coyote and sections 5.51 and 5.52 for the taking of other nuisance animals, snares shall not be placed, used or carried afield, whether operable or inoperable, after the close of the fox and coyote trapping season.

### **3.630 Marten, open season, exceptions; trapping permit; sealing requirements; unlawful acts.**

Sec. 3.630. (1) The open season for taking marten by trapping shall be from December 1 to December 15 in all of zone 1 except Drummond island.

(2) Through the last day of the open marten season, a person issued a fur harvester's license may obtain a free marten trapping permit at any department office that sells hunting licenses. A person shall not acquire more than 1 marten trapping permit for the license year. A person shall not take or attempt to take a marten or possess a marten carcass or hide not sealed as described in subsection (4) without producing a marten trapping permit upon the demand of a conservation officer.

(3) The season limit shall be 1 marten per person.

(4) A person that kills a marten shall present the pelt and skinned carcass of the marten and their marten trapping permit to a designated department employee to be registered and sealed no later than 3 business days following December 15. The pelt shall be presented for sealing in person by the fur harvester that killed the animal and shall not be presented for sealing or registration by another person. The person presenting the marten pelt shall display their fur harvester license, including identification used to acquire the license, and shall provide the marten trapping permit under which the marten was trapped and harvest information as requested by the department employee. The department employee shall retain the skinned carcass and marten trapping permit, attach an official seal to the pelt of each marten presented for examination, and lock the seal upon the hide in such a manner that it cannot be removed without cutting or ripping the marten pelt or damaging the seal. Once an official seal is attached by the department, it shall not be removed from the marten pelt until the marten pelt is processed or tanned. Subsequent to 3 business days following December 15, it shall be unlawful to possess a marten pelt without an official department seal attached unless the pelt has been processed or tanned or the marten season is open.

### **5.52 Nuisance animal control businesses, public nuisance animal control agencies and non-profit nuisance animal control organizations, permit issuance; requirements.**

Sec. 5.52. The wildlife permit specialist may issue a permit to a reputable nuisance animal control business, public nuisance animal control agency, or non-profit nuisance animal control organization for the purpose of taking certain animals causing damage to personal or real property. A person issued a permit under this section is subject to all of the following requirements:

(1) Permits shall expire on the third March 31 after the date of issue.



(2) Permittees may, upon verifying the complaint of any person suffering damage or nuisance, effect control measures at any time of year within cities, villages, or townships closed to hunting or prohibiting the discharge of firearms. In other areas of the state, permittees may, upon verifying the complaint of any person suffering damage or nuisance, effect control measures from April 1 to September 30. Notwithstanding the other provision of this subsection, permittees may, upon verifying a complaint of damage or nuisance, effect control measures at any time of year within the curtilage of the complainant. For the purposes of this subsection, "curtilage" means the dwelling house, associated buildings, and associated yard used for domestic purposes. Control measures in areas and at times not otherwise provided by this subsection shall only be initiated on those complaints referred to the permittee by a wildlife biologist or conservation officer.

(3) Permittees shall be authorized to undertake control measures on the premises of the complainant for the control of bats that are not threatened or endangered and the control of coyote, fox, weasels, mink, raccoon, skunk, opossum, woodchuck, badger, muskrat, squirrels, ground squirrels, rabbits, English sparrows, feral pigeons, starlings, and crows. Permittees shall also be authorized to undertake control measures on the premises of the complainant on beaver on private lands in zone 3 during the closed season; however, beaver shall not be live trapped and relocated or translocated without authorization of the wildlife management unit supervisor. Control of damage by other wildlife shall be undertaken only as authorized by a wildlife biologist or conservation officer. Control of damage caused by protected migratory birds shall require a federal permit.

(4) To effect control measures, permittees may use foothold traps; body gripping or conibear type traps; live traps; colony traps if used in compliance with subsection 3.600(4); and firearms if possessed and used in compliance with all applicable state, local, and federal firearm laws. To effect control measures, permittees may also use snares if one or more of the following conditions are met:

(a) Year around for permitted species within the curtilage of the complainant.

(b) Year around for permitted species upon the premises of the complainant if completely submerged in underwater sets.

(c) Year around outside the curtilage upon the premises of the complainant in the Lower Peninsula for the control of fox and coyote if the snare meets the requirements of subsection 3.609(2), subdivisions (b) through (i).

(5) Permittees may sell live nuisance feral pigeons live trapped during legitimate nuisance control operations.

(6) A dead animal taken by means other than pesticides during the open season for that animal may be disposed in any manner provided by section 4.3 of this order if the person disposing of the animal is licensed to take the animal under part 435, hunting and fishing licensing, of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994.

(7) Non-profit nuisance animal control organizations shall comply with all rules and regulations for permittees. The permit shall be issued in the name of an official of the organization. The person to whom the non-profit nuisance animal control permit is issued shall not authorize any employee or volunteer of the organization to undertake control measures without providing the employee or volunteer a copy of the permit countersigned by that person. An employee or volunteer undertaking nuisance animal control measures shall produce a copy of the countersigned permit upon demand of a police or peace officer.

(8) All live traps, foot-hold traps, and other catching devices which are designed and used in a manner to trap or capture animals alive shall be checked daily. All traps and catching devices used under the authority of a permit issued under this section shall be marked as provided by section 3.600, subsections (2) and (3), except that the trap or catching device shall be marked "permit no." followed by the permittee's permit number, and the business name, and business phone number of the permittee.

(9) Captured animals shall not be released from or upon a public roadway or right of way. Captured animals shall not be released upon the lands of another person, whether private or public lands, without the consent of the landowner or land manager.

(10) All animals, which the permittee is authorized to take, shall be taken and disposed of in a manner to ensure humane handling or killing. Captured animals shall not be held longer than 24 hours unless requested by a department representative, or by a physician or public health official for public health reasons. Captured animals shall not be euthanized except by methods recommended and approved by the department.

(11) Any control measures undertaken by the permittee shall be considered a contractual agreement between the permittee and the complainant. The cost of control effected under the authority of a permit is the responsibility of the permittee.

(12) The department shall not be liable for any damage suffered by a complainant as a result of the performance of the permittee operating under the authority of a permit.

**12.806 Repealed.**

**12.806a "Bobcat management unit A" defined.**

Sec. 12.806a. "Bobcat management unit A" means zone 1 excluding Drummond island.

**12.806b "Bobcat management unit B" defined.**

Sec. 12.806b. "Bobcat management unit B" means Drummond island.

**12.806c "Bobcat management unit C" defined.**

Sec. 12.806c. "Bobcat management unit C" means Alcona, Alpena, Antrim, Charlevoix, Cheboygan, Emmet, Montmorency, Oscoda, Otsego, and Presque Isle counties.

**12.806d "Bobcat management unit D" defined.**

Sec. 12.806d. "Bobcat management unit D" means Clare, Crawford, Gladwin, Iosco, Kalkaska, Missaukee, Ogemaw, Osceola, Roscommon, and Wexford counties and Arenac county west of highway I75 and north of highway M-61.

**12.806e "Bobcat management unit E" defined.**

Sec. 12.806e. "Bobcat management unit E" means that portion of zone 2 not defined in bobcat management units C and D and all of zone 3.

Issued this 4<sup>th</sup> day of June, 2004.

Approved as to matters over which the Natural Resources Commission has authority.

Keith J. Charters, Chairman  
Natural Resources Commission

Approved as to matters over which the Director has authority.

Rebecca A. Humphries  
Director